

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA COMMISSIONER OF HEALTH

In the Matter of Cedar Halal Market,
WIC Vendor No. 0268

PROTECTIVE ORDER

On January 15, 2002, the Minnesota Department of Health requested a Protective Order in this matter. The proposed Order would limit disclosure of certain documents containing confidential information on the identity of undercover investigators and, in addition, would close the hearing in this proceeding in order to maintain the confidentiality of the identity of undercover investigators. On January 17, 2002, a prehearing telephone conference was held between the undersigned Administrative Law Judge, Assistant Attorney General Stewart T. Alger, representing the Department, and Attorney at Law Mark J. Manderfeld, representing the Respondent. Discussion was had concerning the Protective Order, and ultimately counsel were able to agree on a proposed order.

Based upon all the files and proceedings herein, it is appropriate to allow limited disclosure of the identity of undercover investigators, subject to a Protective Order. This order is issued pursuant to Minn. Stat. § § 13.03, subd. 6, and 14.60, subd. 2 (2000); and Minn. R. Civ. P. 26.03. Therefore, the Administrative Law Judge enters the following:

ORDER

1. Disclosure of the identity of the undercover investigators is appropriate, but is limited to counsel of record, employees assisting counsel in preparation of the case, and representatives of the parties to whom the identity of the undercover

investigators must be disclosed in order to adequately prepare for hearing or to try this matter.

2. Respondent and all other representatives of the Respondent are prohibited from disclosing the identity of the undercover investigators, any information from which the identity of the undercover investigators could be ascertained, and any documents containing any identifying information with respect to the undercover investigators to anyone other than those persons mentioned herein.

3. The data released pursuant to this Protective Order may only be used in conjunction with this hearing, and may not be used for any other purpose, including collateral litigation.

4. The requirements of paragraphs 2 and 3 of this Order shall automatically expire at the conclusion of the hearing in this matter, unless another Protective Order is issued.

5. The hearing in this matter will be closed.

6. The transcript of this proceeding is also subject to the terms of this Order.

Dated this 23rd day of January 2002.

S/ Allan W. Klein

ALLAN W. KLEIN

Administrative Law Judge